

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-08-00004

DATE: June 26, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Sara Weber

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 11:13:25 - 12:39:06

1:40:37 - 3:02:16

3:22:39 - 4:44:57

APPEARANCES:

Defendant: Eun Young Lee
Marcelino Laserna
John Duenas
Mary Garcia
Joseph Pangelinan
Francisco Kawamoto
Margaret Untalan

Attorney: Richard Arens
Mark Smith
Cynthia Ecube
Leilani Lujan
Louie Yanza
Stephanie Flores
Rawlen Mantanona

☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter: Sung Woo Yoon

Language: Korean

PROCEEDINGS: Jury Trial - Day 14

- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- As to striking licensee witness statements for violation of Brady material – court will consider that. Court instructed counsels to review case law and file briefs on the motion to strike licensee testimonies.
- All counsel have agreed to waive the right to confront Agent Kline and to retain his testimony. Agents Ferguson and Basak's testimonies will not be needed. Court will hear from each defendant, outside the presence of the jurors, as to his/her decision to waive the right to confront Agent Kline.
- Defense should be ready to present case/call witnesses by the afternoon of 6/27/08.
- Jury Trial (Day 15) continued to: June 27, 2008 at 9:30 AM.

NOTES:

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 24, 25. 26, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						1:43:06 - Begin Day 13 - June 25, 2008	
						1:45:00 - Witness Deuk Soon Choi Pereda seated	
						Exhibit 14 Summary Chart discussion	
						2:07:16 - Jurors seated	
	25		6/9/08	6/25/08	6/16/08 6/10/08	MVD file for - Deuk Soon Choi (Pereda) - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	74			6/25/08		Guam Driver's licenses from arrested persons	
						2:17:28 - CX by Mr. Arens	
		Laserna-R		6/25/08		Plea Agreement of Deuk Soon Choi nka Pereda, identified by Mr. Arens (Deuk Soon Choi Pereda)	
						2:47:34 - Re-DX by Ms. Johnson	
						2:50:20 - Witness excused	
						2:51:49 - Witness Young Min Ko , called and sworn	
						2:52:27 - DX by Ms. Johnson	
	20		6/9/08	6/25/08	6/16/08 6/10/08	MVD file for - Young Min Ko - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/25/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
	20-7			6/25/08		Guam Driver's License of Young Min Ko - identified by the Government (Young Min Ko)	
						3:17:05 - 3:36:26 - afternoon recess	
						3:36:46 - Jurors seated	
						3:37:39 - Continued DX by Ms. Johnson	
						3:58:03 - Jurors excused - discussion as to Brady and Jencks materials	
						4:33:30 - Jurors seated	
						4:35:19 - Jurors excused - return by 10:45 a.m. 6/26/08; trial to resume at 11:00 a.m.	
						4:37:36 - Conference call with Dr. Weis.	
						Court orders the Government to turn over all 302s to defense counsel as it relates to all licensee witnesses.	
						Court urges parties to file briefs re field notes and potential Brady violation by 6/26/08.	
						Court urges defense counsel to file separate papers on behalf of individual clients as to agent/interviewer/right to confrontation issues by 6/26/08.	
						Court finds that based on testimony of Dr. Weis, Agent Kline is unavailable to continue his testimony and that the court will not compel his testimony.	
						5:11:08 - End day 13 - resume 6/26/08 at 11:00 AM	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 24, 25, 26, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						11:13:25 - Begin Day 14 - June 26, 2008	
						11:14:42 - Witness Young Min Ko seated	
						Court finds that rough notes and drafts are Brady materials and must be made available to all defense counsel.	
						Motion by Mr. Smith to strike testimony of Young Min Ko taken under advisement by the Court.	
						11:45:58 - Jurors seated	
						11:48:26 - CX by Mr. Arens	
		Laserna-Q		6/26/08		Plea Agreement of Young Min Ko	
	20-1		6/9/08	6/26/08	6/16/08 6/10/08	Application Form - MVD file for - Young Min Ko - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	20-3 20-4		6/9/08	6/26/08	6/16/08 6/10/08	Letter of Certificate - Translation of Korean Driver's License - MVD file for - Young Min Ko - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/26/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						12:20:00 - Witness excused with instructions to return by 1:30 p.m.	
						12:23:08 - Witness Jin Woo Park , called and sworn	
						12:34:12 - Jurors excused for lunch; jurors and witness advised to return by 1:30 p.m.	
						1:40:37 - Resume afternoon session; witness seated	
						Court is considering motion to strike by Mr. Smith as to testimony of Young Min Ko, Young Nam Kim and Deuk Soon Choi Pereda	
	65-1 65-2		6/9/08	6/26/08	6/16/08 6/10/08	MVD file for - Jin Woo Park - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/26/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						2:10:12 - CX by Mr. Smith	
						2:11:30 - witness excused	
						2:13:14 - Witness Kil Ja Lee called and sworn	
						2:14:08 - DX by Ms. Johnson	
	63-1 63-2		6/9/08	6/26/08	6/16/08 6/10/08	MVD file for - Kil Ja Lee - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/26/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
	74-2			6/26/08		Guam Driver's licenses from arrested persons	
						2:48:44 - CX by Ms. Lujan	
	63-2		6/9/08	6/26/08	6/16/08 6/10/08	Wheels Driving School Certificate; MVD file for - Kil Ja Lee - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/26/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						2:57:18 - Re-DX by Ms. Johnson	
						2:58:26 - Witness excused; jurors excused - 15 minute break	
						3:02:16 - Afternoon recess	